

[FRL 379-5]

NASSAU AND SUFFOLK COUNTIES, LONG ISLAND, NEW YORK**Proposal on EPA Determination Regarding Aquifers**

On March 6, 1975, the Environmental Protection Agency published a notice in the *FEDERAL REGISTER* (40 FR 10514) that it had received a petition, pursuant to section 1424(e) of the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, to make a determination that the Edwards Aquifer is the sole or principal drinking water source for the San Antonio area which, if contaminated, would create a significant hazard to public health.

A petition has been submitted, on behalf of the Environmental Defense Fund, requesting the Administrator of the Environmental Protection Agency to make a similar determination with respect to the aquifers underlying Nassau and Suffolk Counties. This petition is reprinted in full below:

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Russell E. Train, Administrator

In the Matter of the Petition of the Environmental Defense Fund, Inc. Under Section 1424(e) of the 1974 Water Supply Act with Respect to the Aquifers of Nassau and Suffolk Counties, New York.

PETITION

1. Section 1424(e) of the 1974 Water Supply Act provides as follows:

(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the *FEDERAL REGISTER*. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

2. The aquifers which underlie Nassau and Suffolk Counties, New York, a standard statistical metropolitan area, are the sole water source for this area. Numerous publications by federal agencies, including "An Atlas of Long Island's Water Resources," New York Water Resources Commission Bulletin 62, by Phillip Cohen, O. L. Franke and B. L. Foxworthy, Hydrologists, United States Geological Survey (in particular p. 70) and the Environmental Impact Statement entitled "Environmental Impact Statement on Waste Treatment Facilities Construction Grants for Nassau and Suffolk Counties, New York (the "EIS"), p. 50-51, prepared by the U.S. Environmental Protection Agency in July 1972 establish this fact.

3. Nassau County has a population of approximately 1.45 million people according to the 1970 census. At the time of the census, Suffolk County had a population of about 1.13 million, but has been growing rapidly since that time. The latest population figure for Suffolk County is 1,256,216. The popula-

tion of Suffolk County, which in terms of land area takes up almost two thirds of Long Island, is gradually spreading eastward.

4. Nassau and Suffolk Counties have three principal aquifers, the Glacial Aquifer (the top aquifer), the Magothy Aquifer and the Lloyd Aquifer. The top two aquifers, the Glacial and Magothy Aquifer are the principal sources of water for the residents of Nassau and Suffolk Counties.

5. Since these aquifers are the sole source of drinking water for Nassau and Suffolk Counties, contamination of these aquifers could create a significant hazard to public health.

6. That contamination of the Glacial Aquifer is already a problem is evident from the EIS itself. Numerous U.S. Geological Survey and Nassau and Suffolk County Reports substantiate this contamination problem. Indeed, the expenditure of hundreds of millions of dollars of EPA grant money to fund huge coastal treatment plants with outfalls described in the EIS is evidence of this contamination problem.

7. Finally, the two counties, Nassau and Suffolk, are filing a joint application to designate the Bi-County Planning Commission as a section 208 local planning organization under section 208 of the 1972 Federal Water Pollution Control Act Amendments in recognition of the fact that the two Counties are an area "which has substantial water quality control problems."

8. Therefore, we request that you determine that Nassau and Suffolk Counties have aquifers which are "the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health," * * * and that you therefore publish notice of this determination in the *FEDERAL REGISTER*.

Respectfully submitted,

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East Setauket, New York
JANUARY 21, 1975.

EPA intends to decide whether to make the requested determination at the earliest time consistent with a complete review of the relevant data and information, and a full opportunity for public participation. In this regard, the Agency is developing a full factual record, and solicits comments, data, and references to additional sources of information relevant to the determination required by section 1424(e). In particular, information is sought concerning whether or not the underground water body or bodies underlying Nassau and Suffolk Counties are a single aquifer, or are two or more separate, distinct aquifers. Information is further sought concerning the geographical boundaries and other characteristics of the aquifer or aquifers and their recharge zones, the area or areas dependent upon them for drinking water, the significance of current or anticipated threats to public health that might result from contamination of the aquifers, and the prospects that such contamination will occur as a result of current activities or events that must be anticipated.

Comments, data, and references in response to this notice should be submitted in writing to the Regional Administrator, Region II, Environmental Pro-

tection Agency, 26 Federal Plaza, Room 1009, New York, N.Y. 10007 within 60 days. Information which is available to the Agency concerning the aquifers underlying Nassau and Suffolk Counties will be available for inspection at the address listed above.

Dated: June 6, 1975.

RUSSELL E. TRAIN,
Administrator.

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FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20476; FCC 75-534]

AMERICAN TELEPHONE AND TELEGRAPH CO.**Memorandum Opinion and Order Instituting Hearing**

In the matter of American Telephone and Telegraph Company's proposed tariff revisions in Tariff F.C.C. No. 263 exempting Mebane Home Telephone Company of North Carolina from the obligation to afford customers the option of interconnecting customer-provided equipment to Mebane's facilities; AT&T Transmittal No. 12321.¹

1. Mebane Home Telephone Company (Mebane) is an independent telephone company in North Carolina, listed by American Telephone and Telegraph Company (AT&T) in AT&T's Tariff F.C.C. No. 257 as a connecting carrier. Sections 2.6.1 and 2.7.1. of AT&T's Tariff F.C.C. No. 263 (AT&T's Message Toll Service Tariff) set forth the general regulation, which is binding on connecting carriers such as Mebane,² that the telephone company will permit interconnection of customer-provided terminal equipment and customer-provided communications systems, respectively, with facilities furnished by the telephone company. Other subparagraphs of §§ 2.6 and 2.7 set forth the means by which

¹ Chairman Wiley issuing additional views in which Commissioner Lee joins; Commissioners Reid and Quello concurring in the result; Commissioner Hooks dissenting and issuing a statement; Commissioners Robinson and Washburn issuing a joint concurring statement are all filed as part of the original document.

² We describe Mebane's telephone system in some detail at paras. 12-15 herein.

³ "Connecting carriers" engage in interstate and foreign service only through physical connection of their facilities with the facilities of other carriers with which they have no direct or indirect corporate or other affiliations. Connecting carriers are nevertheless expressly subject to the substantive requirements of sections 201-205 of the Act except they are relieved of the tariff filing requirements of Section 203. However, their participation in interstate and foreign services is governed by the same terms and conditions of the tariff schedules filed with the Commission by the carriers with which they connect. (See sections 3(u) and 2(b) of the Act). See our decision in *Telarent Leasing*, 45 FCC 2d 204, 215-20 (1974), appeal docketed, *North Carolina Utilities Commission, et al. v. U.S.*, Case Nos. 74-1220, 74-1390, 74-1449, 74-1514, 74-1516 and 74-1516 (4th Cir. 1974).